

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 DHA-02

IO-13 /071 W

-----120551Z 013141 /21

R 111905Z FEB 77

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 3420

C O N F I D E N T I A L SANTIAGO 1217

E.O. 11652: GDS

TAGS: OVIP (LAVIN, JAIME)

SUBJECT: LAVIN AFFAIR

1. SINCE THE AMBASSADOR IS ABSENT ON LOCAL LEAVE, ACTING FOREIGN MINISTRY UNDER SECRETARY JAIME LAVIN CALLED DCM IN AFTERNOON OF FEB 9 FOR LENGTHY DISCUSSION OF HIS ILL-FATED VISIT TO THE U.S. IT WAS A SOBERING SESSION.

2. DURING THE DISCUSSION LAVIN MADE THE FOLLOWING POINTS:

- HE WAS PARTICULARLY BITTER ABOUT HIS VISIT TO COLUMBIA UNIVERSITY WHICH, FROM HIS POINT OF VIEW, WAS BY FAR THE WORST EXPERIENCE OF THE TRIP. HIS COLUMBIA SESSION CONSISTED OF A DISCUSSION WITH FOUR OR FIVE STUDENTS AND FACULTY MEMBERS WHICH QUICKLY BECAME A STAR-CHAMBER PROCEEDING AS THEY HURLED RAPID-FIRE ACCUSATIONS AT HIM WITHOUT PROVIDING HIM TIME TO RESPOND. THE "DEMONSTRATION" BY 10 OR 12 PLACARD CARRYING STUDENTS DURING HIS WALK BACK TO HIS CAR WAS NOTHING COMPARED TO THE "MEETING ARRANGED BY THE STATE DEPARTMENT." LAVIN SAID THAT HE COULD NOT HELP FEELING THAT SOMEBODY IN THE STATE DEPARTMENT WAS TRYING TO SET HIM UP. TO SEND A CHILEAN OFFICIAL TO SPEAK TO STUDENTS AND FACULTY AT COLUMBIA UNIVERSITY WAS LIKE THROWING RAW MEAT TO SHARKS.

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- LAVIN ASKED IF COL PINTO HAD PRODUCED SWORN STATEMENTS ACCUSING HIM OF TORTURE EITHER BY SENDING THEM TO THE STATE DEPARTMENT OR HAVING AMNESTY INTERNATIONAL PUBLISH THEM. DCM REPLIED THAT NO SUCH DOCUMENTS HAD BEEN PRESENTED TO THE DEPARTMENT NOR WAS HE AWARE OF SUCH DOCUMENTS SURFACING PUBLICLY. LAVIN, IN BITTER

TERMS, SAID HE WAS SHOCKED THAT THE DEPARTMENT OF STATE HAD DECIDED, IN EFFECT, TO HAVE HIM RECALLED ON THE BASIS OF ACCUSATIONS THAT WERE ALLEGED TO EXIST BUT WHICH HAD NOT EVEN NOW BEEN PRODUCED. HE CONTINUED THAT HE DID NOT BELIEVE PINTO WOULD PRODUCE SUCH SWORN STATEMENTS SINCE PINTO KNEW VERY WELL THAT LAVIN HAD NOT TORTURED HIM AND WAS, IN FACT, AMONG THOSE RESPONSIBLE FOR PINTO'S RELEASE INTO EXILE UNDER THE COMMUTATION PROCEDURES.

- REFERRING TO THE COMMUTATION PROCEDURE, LAVIN ASKED RHETORICALLY WHAT I THOUGHT THE GOC'S REACTION IS TO THE WHOLE COMMUTATION PROCESS (WHICH PROVIDES FOR THE RELEASE FROM JAIL OF QUITE A FEW CHILEANS) WHEN AN INDIVIDUAL RELEASED UNDER THIS PROGRAM TAKES ADVANTAGE OF HIS FREEDOM TO ACCUSE FALSELY AN INNOCENT CHILEAN OFFICIAL OF THE WORST KIND OF CRIME. AMNESTY INTERNATIONAL AND THE OTHERS HAD NOT CONSIDERED THE NEGATIVE IMPACT ON THE PAROLE PROGRAM OF THEIR CAMPAIGN OF LEAKING PHONEY INFORMATION TO THE PRESS DESIGNED TO EMBARRASS LAVIN AND THE GOC.

- LAVIN REACHED AN EMOTIONAL PITCH ON THE MATTER OF THE DEPARTMENT'S PRESS GUIDANCE. HE SAID THAT FOR THE DEPARTMENT TO STATE THAT IT WOULD TAKE NO POSITION ONE WAY OR THE OTHER ON THE ACCUSATIONS MADE AGAINST HIM HAD THE EFFECT OF DECLARING HIM GUILTY. LAVIN CHALLENGED ME TO ASK ANY RESPONSIBLE OPPOSITION LAWYER IN CHILE ABOUT HIS CONDUCT AT THE FACT TRIAL (WE DID WITH RESULTS SUPPORTING LAVIN REPORTED IN SANTIAGO 1002);
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EVEN OPPONENTS OF THE PRESENT GOC WOULD SUBSTANTIATE HIS CLAIMS OF INNOCENCE.

3. DCM RESPONDED THAT ONE OF THE GOALS OF THE IVP IN LAVIN'S CASE, AS HE KNEW, WAS TO EXPOSE HIM TO VARIOUS ELEMENTS IN U.S. SOCIETY WHICH WERE CONCERNED WITH THE CHILEAN ISSUE. UNDOUBTEDLY THE APPOINTMENT AT COLUMBIA WAS MADE IN THIS CONTEXT AND CERTAINLY NOT TO CAUSE THE KINDS OF PROBLEMS THAT HAD OCCURRED. THE USC'S ACTIONS IN THE CASE HAD BEEN DESIGNED TO ACHIEVE THE RESULT PUBLICLY STATED, NAMELY TO AVOID A PUBLIC HASSLE ON THE TORTURE ISSUE WHICH COULD ONLY HAVE BEEN DESTRUCTIVE OF IMPROVED U.S.-CHILEAN RELATIONS. THIS WAS THE BASIC POINT. REGARDING THE PAROLE PROGRAM LAVIN WAS URGED NOT TO PERMIT THE ACTIONS OF THE GOC'S OPPONENTS TO GOAD THE GOVERNMENT INTO TERMINATING ITS VERY SUCCESSFUL PAROLE PROGRAM.

4. COMMENT: DCM RESPONDED TO LAVIN'S UNDERSTANDABLY

EMOTIONAL OUTPOURING ON THE BASIS OF THE GUIDANCE PROVIDED THUS FAR. THE SESSION MAY HAVE SOME UTILITY IN DISSIPATING THE LIGHTENING THAT HAS BUILT UP IN THE GOC ON THE ENTIRE AFFAIR. IT IS, HOWEVER, BECOMING MORE AND MORE DIFFICULT FOR US TO EXPLAIN THE USG'S ACTION IN HAVING LAVIN RECALLED ON THE BASIS OF (SO FAR) NON-EXISTENT SWORN STATEMENTS. AMNESTY INTERNATIONAL, OR SOME PERSON OR ORGANIZATION WITH SIMILAR INTERESTS, LEAKED STORIES TO THE PRESS CLAIMING THE EXISTENCE OF SWORN STATEMENTS BY PINTO AND OTHERS NAMING LAVIN AS A TORTURER. WHERE ARE THEY? UNTIL THESE STATEMENTS ARE PRODUCED (AND EVEN THESE STATEMENTS WOULD ONLY BE ALLEGATIONS - NOT PROOF) THE USG IS IN A POSITION OF HAVING GIVEN CREDENCE TO AND ACTED UPON ALLEGATIONS WHICH ARE "SAID" TO EXIST. THIS IS SO CLOSE TO MCCARTHYISM THAT THOSE OF US WHO HAVE TO FACE GOC OFFICIALS DAILY ARE BECOMING INCREASINGLY UNCOMFORTABLE. THE DEPARTMENT
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MIGHT WISH TO APPROACH AMNESTY AND ASK THEM TO PUT UP OR SHUT UP.
POPPER

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TAGS: OVIP, (LAVIN, JAIME)
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